

## Opinion of the court.

## THE BATTLE.

Capture as prize of war, *jure belli*, overrides all previous liens.

APPEAL from the District Court of the United States for the Southern District of Florida.

The libel set forth a seizure of the steamer Battle and cargo on the 18th July, 1863, on the high seas, as prize of war, which were brought into the port and harbor of Key West. She was captured about fifty miles south-southeast from Mobile Point by the United States steamer De Soto, Walker commanding. No claim of ownership for vessel or cargo was presented to the court. The vessel had just run, or was in the act of running, the blockade of Mobile when she was captured. The vessel and cargo were sold pending the suit. The proceeds of the sale of the vessel were \$23,000, and of the cargo, \$240,895.62. The vessel and cargo were condemned for breach of blockade, and also as enemy property.

There were two claims set up against the steamer in the court below, one by James Brooks, of New Albany, State of Indiana, for supplies furnished at that port in May, 1860, to the amount of \$3408.32, and another by Daniel Hipple and others for materials furnished, and for work and labor in building a cabin on said boat, in January, 1860, to the amount of \$7230.92, at the port of New Albany aforesaid; that after deducting all payments a balance remains due of \$3615.45. These claims were dismissed by the court below.

*The appellant was not represented by counsel; Mr. N. Wilson, for the captors, and Mr. Ashton, special counsel, for the United States.*

Mr. Justice NELSON delivered the opinion of the court.

The principle is too well settled that capture as prize of war, *jure belli*, overrides all previous liens, to require examination.\*

DECREE AFFIRMED.

\* The Hampton, 5 Wallace, 372; The Frances, 8 Cranch, 418.